

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Bonnie J. W.,

Civ. No. 21-428 (BRT)

Plaintiff,

v.

**ORDER**

Kilolo Kijakazi,  
Acting Commissioner of  
Social Security,

Defendant.

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Peggy L. Stevens, Esq., Attorney at Law, counsel for Plaintiff.

Kizuwanda Curtis, Esq., Social Security Administration, counsel for Defendant.

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On August 1, 2022, Plaintiff's counsel filed a Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. No. 25, Pl.'s Mot.) Defendant filed a Response on August 12, 2022, arguing that the motion was premature because the judgment had not yet become final. (Doc. No. 30, Def.'s Response.) Defendant argues that the judgment would become final on September 23, 2022, "and the 30-day period for filing the EAJA then begins and runs until October 23, 2022." (*Id.* at 2.) Defendant made no other argument opposing Plaintiff's counsel's request for attorney's fees. The judgment, pursuant to Defendant's own assertion, has now become final. Therefore, Defendant's sole argument is now moot. For this reason, and because the Court has otherwise reviewed Plaintiff's motion for attorney's fees and

concludes that the requested fees are reasonable, Plaintiff's counsel's motion is granted. *See Dini v. Astrue*, No. 08-5852 (DSD/JJG), 2010 WL 153681, at \*3 (D. Minn. Jan. 11, 2010) (“[F]ees and other expenses includes . . . reasonable attorney fees . . . based on prevailing market rates for the kind and quality of the services furnished . . .”) (quoting 28 U.S.C. § 2412(d)(2)(A)) (internal quotations omitted).

### **ORDER**

Based on the foregoing, and all the files, records, and submissions herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's counsel's Motion for Award of Attorney's Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. No. 25) is **GRANTED**; and
2. Plaintiff's counsel is entitled to an EAJA award of \$11,162.00 for attorney's fees and \$400 for costs, for a total award \$11,562.00.

Date: September 28, 2022

s/ Becky R. Thorson  
BECKY R. THORSON  
United States Magistrate Judge